

## UNITED STATES DISTRICT COURT FOR NEW JERSEY

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**JUL 08 2016**

UNITED STATES

## Notice of Motion for Release

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

## Pending Appeal Pursuant to

V.

**18 U.S.C. Section 3143 (b)(2)**

MARIJAN CVJETIČANIN

**Index No. 14-cr-274 (MAS)**

## Appellant Per Se

PLEASE TAKE NOTICE, that upon the annexed affidavit of the appellant herewith, Mr. Marijan Cvjeticanin, and all documents attached thereto, and upon the accusatory instrument and all of the proceedings had herein, the appellant will move this Honorable Court at location 402 East State Street, Trenton, New Jersey 08608, on the day \_\_\_\_\_ of July, 2016, at 12 PM, or as soon as thereafter as counsel may be heard for:

**(1) ORDER granting the above captioned Motion and releasing the appellant from the custody of the U.S. Bureau of Prisons on bail pending release pursuant to the provisions of the 18 U.S.C. Section 3143(b)(2) and conditions of release respectfully requested and provided herein;**

**(2) ORDER, in the alternative, should the order requested under (1) cannot be granted by the Honorable Court, for declaratory and injunctive relief declaring Section 3143(b)(2) of the 18 U.S.C., facially unconstitutional and releasing the appellant on bail pursuant to the legal standards of the previous Bail Reform Act of 1966 and the case law governing the release on bail pending appeal prior to the adoption of the current law governing motions for bail pending appeal;**

(3) ORDER, in the alternative, should the orders requested under (1) and (2) cannot be granted by the Honorable Court, for declaratory and injunctive relief declaring Section 3143(b)(2) of the 18 U.S.C. unconstitutional as applied to this individual matter and releasing the appellant on bail pursuant to the legal standards of the previous Bail Reform Act of 1966 and the case law governing the release on bail pending appeal prior to the adoption of the current law governing motions for bail pending appeal;

(4) ORDER, granting hearing, should the Honorable Court consider a hearing necessary in this matter, and since the appellant is proceeding pro se and is currently incarcerated at Federal Correctional Institution (FCI) Danbury, CT, ORDER to the U.S. Bureau of Prisons to release the appellant at 6:00 AM on the scheduled day of the hearing, with the order to the appellant, should all of the above orders for release be denied, to self surrender to his currently designated FCI facility by 12:00 PM of the following day, or in the alternative, ORDER to the U.S. Bureau of Prisons to produce the appellant at the designated time and date of the hearing in the federal courthouse in Trenton, New Jersey;

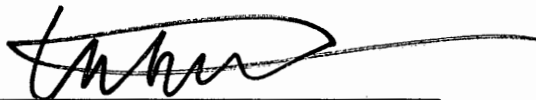
(5) ORDER, such other and further relief as to the court may seem just and proper;  
This Motion has been filed pursuant to the provisions of Federal Rules of Criminal Procedure Rule 46(c) - Release from Custody Pending Sentencing or Appeal. Jurisdiction and venue are proper with the United States District Court for New Jersey in Trenton, New Jersey, as this was the court which imposed a sentence on the appellant/defendant.

Pursuant to Rule 50 of the Federal Rules of Criminal Procedure - Prompt Disposition, which says "Scheduling preferences must be given to criminal proceedings as far as practicable", since this is a motion filed in a criminal matter and the appellant/defendant is currently incarcerated, the appellant hereby requests the adjudication of the Motion as soon as practicable.

Please be advised that this Motion has been filed by the appellant pro se. The appellant's current attorney, Ms. Lorraine Gauli Rufo, continues to represent the appellant concerning his direct appeal to the Circuit Court of Appeals. However, since the CJA payments generally do not cover work on the motions for bail pending appeal, the appellant filed this motion pro se.

In addition, as stated in the Motion, the appellant is currently incarcerated at FCI Danbury. Due to the prison's system of legal mail delivery by an open outcry over the prison's loudspeakers system and the difficulty of the pronunciation of the appellants both first and last name (particularly last name), due to which mail is often delayed or not delivered at all, we would appreciate if the Honorable Court and the Government could forward any mail and responses for the appellant to his previous home address at Marijan Cvjeticanin, 6 Lt. John Olsen Lane, Saint James, New York 11780 and e-mail Mcvjetican@aol.com. Should the Court, or the Government, insist on sending legal mail to the appellant's current address at FCI Danbury it is: Marijan Cvjeticanin, Inmate #65437-050, Federal Correctional Institution, Route 37, Danbury, CT 06811. We thank you very much for your kind attention to this matter.


Dated: June 23, 2016



Appellant Pro Se

#### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document on the United States by causing a true copy of the document to be mailed by priority mail, signature requested, to the Office of United States Attorney for New Jersey at 970 Broad Street, Newark, New Jersey \_\_\_\_\_, on 7<sup>th</sup> July 2016.

  
Katica Cvjeticanin